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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,702	09/05/2006	Roland Svensson	0104-0531PUSI	9574
2292 7590 11/02/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ESTREMSKY, GARY WAYNE	
			ART UNIT 3673	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/549,702

**Applicant(s)**

SVENSSON, ROLAND

**Examiner**

Gary Estremsky

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>here to</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 17-32 are objected to because of the following informalities: The claims are objected to since the preamble describing the invention is not consistent with the scope of the claimed invention as defined in the body of the claim. The preamble to the claims should be amended as --A safety lock mounted with a door and frame comprising,...-- to be consistent in scope with the claimed invention wherein is required "a stop shoulder arranged adjacent to the frame" and "a locking means arranged adjacent to the door" for example. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17 (and its dependents), the word "means" is preceded by the word(s) "abutment" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the

Art Unit: 3673

element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding claim 23, the word "means" is preceded by the word(s) "hook" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function.

As regards claim 28, to be consistent with the disclosed invention, "against" should be replaced with –towards--.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-20, 22-30, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 654,723 to Franks.

Franks '723 teaches Applicant's claimed invention including : a "stop shoulder" – including 3,4, where term "adjacent" is broad enough to include the illustrated arrangement particularly as shown in Fig 2 for example, a "locking means" – including 5,7, the "end part" – portion of 5,7,10 that will inherently contact door edge as the door is opened as shown in Fig 1.

As regards claims 18, 19 for example, the functional recitations result in broad scope of claim since no particular structure is defined that might be relied upon to

patentably distinguish from the prior art which inherently functions in such manner as to read on broad limitations.

As regards claim 23, the overhanging and recess portions of 3,4 function equivalent to a hook and as best understood read on limitation.

As regards claim 25, the door of Franks '723 reads on broad limitation for a "bridging rigid blocking element". The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

6. Claims 17-27 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. Application No. 4,048,822 to Luling.

Lulling '822 teaches Applicant's claimed invention including : a "stop shoulder" – including 12, a "locking means" – including 14,15,22, the "end part" – including engaging 12 as shown in fig 2.

As regards claim 21, limitation of "frame" is broad enough to include 11 and 12.

As regards claim 23, 11 includes overhanging edge equivalent in function to hook.

As regards claim 25, Hamer '923 discloses "bridging rigid blocking element" – 7.

As regards claim 27, a "recess" is provided by vertice of parts 1,2.

7. Claims 17-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Pat. Application No. 2 346 923 to Hamer.

Hamer '923 teaches Applicant's claimed invention including : a "stop shoulder" – including 11, a "locking means" – including 1,2,5,6, the "end part" – including 2.

As regards claim 21, limitation of "frame" is broad enough to include 11.

As regards claim 23, 11 includes overhanging edge equivalent in function to hook.

As regards claim 25, Hamer '923 discloses "bridging rigid blocking element" – 7.

As regards claim 27, a "recess" is provided by vertice of parts 1,2.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 654,723 to Franks.

Although parts 3,4 include a recess, it is not located "in the frame" as claimed. It would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to mount 7 on the door and provide a recess in the frame similar to that provided by parts 3,4, since it has been held that a mere

Art Unit: 3673

reversal of the essential working parts of a device involves only routine skill in the art.

*In re Einstein*, 8 USPQ 167.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

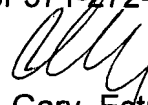
U.S. Pat. No. 2,407,900 to Paul.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on T,W,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Estremsky  
Primary Examiner  
Art Unit 3673